

3.14 Capital Improvements

GOAL 1401

Monroe County shall provide and maintain, in a timely and efficient manner, adequate public facilities for both existing and future populations, consistent with available financial resources and the other elements of the Comprehensive Plan. [9J-5.016(3)(a)]

Objective 1401.1

Monroe County shall provide the capital improvements necessary to correct existing deficiencies, to accommodate projected future growth, and to replace obsolete and worn-out facilities, in accordance with an adopted Capital Improvements Program. [9J-5.016(3)(b)1]

Policy 1401.1.1

By January 4, 1997, Monroe County shall revise the existing County Capital Improvements Program to incorporate the improvements identified in the Five-Year Schedule of Capital Improvements included in Table 4.1 of Capital Improvements Implementation.

Policy 1401.1.2

Monroe County shall annually update the Comprehensive Plan Five-Year Schedule of Capital Improvements. Proposed revisions to the Schedule, including those addressing the replacement and renewal of capital facilities, shall be evaluated, updated, and ranked in accordance with the following considerations (not listed in order of priority):

1. consistency with the relevant elements of the Comprehensive Plan;
2. the elimination of public hazards;
3. the elimination of existing deficiencies;
4. financial feasibility including the impact on the annual operating and capital budgets;
5. the location in relation to the Future Land Use Map;
6. accommodation of the demands from redevelopment and new development;
7. the consistency of the improvement relative to the plans of state agencies and the South Florida Water Management District; and
8. the availability of other revenue sources including, but not limited to, FDOT Project funding and FDOT Traffic Operations funds from District Dedicated Revenue (DDR) sources.

Revisions to the schedule shall be incorporated into the Capital Improvements Program on an annual basis. [9J-5.016(3)(c)1 and 3]

Policy 1401.1.3

Capital improvement projects required to correct existing facility deficiencies shall receive priority over those projects required to serve future development. [9J-5.016(3)(c)1]

Policy 1401.1.4

Monroe County shall amend the Comprehensive Plan Five Year Schedule of Capital Improvements by January 4, 2000 to acknowledge funding of improvements to the 18 mile stretch of US 1 by the Florida Department of Transportation if the project has been included in the first three years of the FDOT Five-Year Plan for completion by June 1, 2002.

Policy 1401.1.5

Monroe County shall amend the Comprehensive Plan Five-Year Schedule of Capital Improvements by January 4, 2000 to acknowledge funding for improvements to mile markers 80 to 90 section of US 1 by the Florida Department of Transportation if the project has been included in the first three years of the FDOT Five-Year Plan for completion by June 1, 2010.

Objective 1401.2

With the following exceptions, public expenditures within the Coastal High Hazard Area (CHHA) shall be limited to the restoration or enhancement of natural resources and parklands, expenditures required to serve existing development such as the maintenance or repair of existing infrastructure, and expenditures necessary for public health and safety:

1. public expenditures within the CHHA may be permitted where required to meet adopted level of service standards or to maintain or reduce hurricane evacuation clearance times and where no feasible alternatives to siting the required facilities within the CHHA exist.
2. public expenditures within the CHHA may be permitted for improvements and expansions to existing public facilities, which improvements or expansions are designed to minimize risk of damage from flooding. [9J-5.016(3)(b)2]

Policy 1401.2.1

By January 4, 1997, Monroe County shall adopt Land Development Regulations which limit public expenditures in the CHHA by requiring consideration of feasible siting and design alternatives for public facilities and infrastructure. [9J-5.016(3)(c)1 and 9]

Policy 1401.2.2

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.016(3)(c)1 and 9]

Objective 1401.3

Monroe County shall ensure that future development pays its proportionate share of the costs of improvements necessary to serve new development at the adopted level of service standards. [9J-5.016(3)(b)4]

Policy 1401.3.1

By January 4, 1997, Monroe County shall adopt Land Development Regulations which revise and update the County's current expenditure procedures and proportional fair-share assessment of impact fees, in accordance with the adopted levels of service referenced in Policy 1401.4.1. The revised Land Development Regulations shall also include provisions for the collection of impact fees to offset the public costs of public facilities and services. [9J-5.016(3)(c)8]

Objective 1401.4

Monroe County shall coordinate land use decisions and fiscal resources with a schedule of capital improvements in order to maintain the adopted level of service (LOS) standards for both previously issued development orders and future development. [9J-5.016(3)(b)3 and 5]

Policy 1401.4.1

Monroe County shall adopt level of service (LOS) standards for the following public facility types: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1. [9J-5.016(3)(c)4]

Policy 1401.4.2

Monroe County shall adopt a Capital Budget at the same time it adopts its Annual Operating Budget. The Capital Budget shall include those projects necessary to maintain the adopted levels of service referenced in Policy 1401.4.1. [9J-5.016(3)(c)7]

Policy 1401.4.3

To the extent allowed by Florida Statutes, Monroe County supports the use of tourist-related charges to offset tourist-related impacts on public facilities. Monroe County supports the use of Tourist Development Council funds to provide public facilities that will serve both tourists and residents.

Policy 1401.4.4

Public facilities and services needed to support development shall be available concurrent with the impacts of development, in accordance with the adopted levels of service referenced in Policy 1401.4.1 and Chapter 9J-5.0055, F.A.C. Development approval may be phased to allow the provision of public facilities and services necessary to maintain the adopted levels of service. [9J-5.016(3)(c)6]

Policy 1401.4.5

Monroe County hereby adopts a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impact of development. The Concurrency Management System shall ensure that the County shall issue no development order or permit which results in a reduction in the level of service (LOS) below the adopted LOS standards referenced in Policy 1401.4.1 for those public facilities that are subject to the system. The guidelines established in Policies 1401.4.6, 1401.4.7, 1401.4.8, 1401.4.9, and 1401.4.10 shall ensure that concurrency is successfully implemented.

Policy 1401.4.6

The following guidelines identify the stages in the development review process when the test for concurrency must be met.

1. Preliminary Development Order Stage - A preliminary development order is a development order that precedes the issuance of a building permit, such as a subdivision plat, development plan, certificate of compliance, conditional use permit, or development of regional impact development order. A proposed development must receive a conditional concurrency determination prior to receiving a preliminary development order.
2. Final Development Order Stage - A final development order is a building permit or any other development permit authorizing the construction or expansion of a building, an increase in development intensity, or a change of use requiring a new certificate of occupancy. A proposed development must receive a final concurrency determination prior to receiving a final development order.

Policy 1401.4.7

The following guidelines identify the effect of a concurrency determination.

1. A Conditional Concurrency Determination shall indicate that adequate public facilities are available at the time the determination is issued, but shall not guarantee the adequacy or availability of public facilities at subsequent stages of development review.
2. A Final Concurrency Determination shall indicate that adequate public facilities will be available at all subsequent stages of development stages of development review, subject to certain limitations such as elapsed time and the payment of fees.

Policy 1401.4.8

The following guidelines identify the minimum criteria necessary to meet the concurrency requirements of each public facility type.

1. The concurrency requirements for roads, potable water, solid waste, sanitary sewer, and drainage facilities and services shall be satisfied if one or more of the following conditions are met:
 - a) the necessary facilities and services are in place at the time a development permit is issued; or
 - b) the development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur, or
 - c) the necessary facilities are under construction at the time a permit is issued; or
 - d) an enforceable development agreement guarantees that the necessary facilities and services will be in place when the impacts of the development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.
2. The concurrency requirements for recreational facilities shall be satisfied if one or more of the following conditions are met:
 - a) conditions 1(a), 1(b), or 1(c) listed above; or
 - b) a binding executed contract is in place at the time the development permit is issued which provides for the commencement of the actual construction of the required facilities or provision of services within one year of permit issuance; or
 - c) an enforceable development agreement guarantees that the necessary facilities and services will be in place within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

Policy 1401.4.9

The following guidelines identify the minimum components of the County's concurrency monitoring system.

1. The County shall maintain a database of permitting data that includes the amount of development for which final development orders have been issued, development for

which final development orders have expired, development which is under construction, and development which has been constructed.

2. The County shall maintain a database of public facility data that includes the capacity of existing facilities, the additional capacity created by facility improvements, the impacts of existing development, and the impacts anticipated due to committed development.
3. The County shall prepare an annual Concurrency Management Report assessing the capacities of all public facilities subject to the Concurrency Management System. The Concurrency Management Report shall be used to monitor changes in the capacity of public facilities and the levels of service provided by the facilities based upon development activities and capital improvement projects completed during the previous year and projected for the next year.

Policy 1401.4.10

Monroe County shall use the following guidelines for interpreting and applying level of service standards to development order applications. For the purposes of this policy, reserve capacity refers to the capacity of existing public facilities plus the capacity of public facilities which do not exist but which meet the applicable requirements of Policy 1401.4.7, less the existing demand for those facilities and the demand expected to be created for those facilities by approved but unbuilt development as determined by the databases in Policy 1401.4.9.

1. Potable Water- The County shall not render a final concurrency determination unless the quantity of water available under the FKAA Consumptive Use Permit meets or exceeds the estimated water demand of the proposed development together with the estimated water demand of all existing and committed development.
2. Solid Waste- The County shall not render a final concurrency determination unless capacity available at solid waste facilities either owned by or under contract with Monroe County meets or exceeds the estimated daily solid waste generation of the proposed development together with the estimated daily solid waste generation of all existing and committed development for a period of three (3) years from development approval.
3. Sanitary Sewer- The County shall not render a final concurrency determination unless the proposed development will be served by a treatment plant permitted by the Department of Environmental Protection with adequate reserve capacity to accommodate the impact of the proposed development or an on-site sewage disposal system permitted by the Department of Health and Rehabilitative Services.
4. Drainage- The County shall not render a final concurrency determination unless the proposed development will be served by stormwater management facilities approved by the South Florida Water Management District; or has received an individual construction permit or written authorization to proceed pursuant to a general permit from the South Florida Water Management District.

5. Parks- The County shall not render a final concurrency determination unless the park facilities either in existence or programmed within the next year will meet or exceed the estimated park demand of the proposed development together with the estimated park demand of all existing and committed development. Within each impact area for park facilities, the County shall determine the population capacity of both resource-based and activity-based facilities by multiplying the level of service standard by the number of acres of existing or programmed parks.
6. Roads- The County will not render a final concurrency determination unless the estimated traffic impacts of the proposed development, together with the estimated traffic impacts of all existing and committed development, will not exceed either the segment or overall reserve capacity of U.S. 1, as determined by the U.S. 1 Level of Service Task Force Methodology. The trip assignment for proposed developments with an estimated trip generation rate of more than 10 trips per day shall be based on a traffic impact report prepared by the developer based on a professionally accepted methodology. The trip assignment for proposed developments with a trip generation rate of 10 trips or less (such as a single family home) shall be limited to the segment of U.S. 1 most directly impacted by the development.

Policy 1401.4.11

Annual debt service on Monroe County's direct debt shall not exceed the following annual median ratios for medium size counties published by Moody's Investment Services:

1. debt to operating revenue;
2. debt to assessed valuation; and
3. debt per capita.

Moody's Investment Services, a bond rating agency, publishes annual medians depicting local governments' debt service as a percentage of population, operating revenue, and assessed valuation. [9J-5.016(3)(c)2]

Policy 1401.4.12

By January 4, 1997, Monroe County shall revise the Comprehensive Plan Five-Year Schedule of Capital Improvements and the County Capital Improvements Program to include funding for a sludge, septage, and/or leachate treatment and disposal facility on Crawl Key (see Solid Waste Policies 801.3.5 and 801.3.6 and Sanitary Sewer Policies 901.1.7 and 901.1.8).

Policy 1401.4.13

By January 4, 1997, Monroe County shall revise the Comprehensive Plan Five-Year Schedule of Capital Improvements and the County Capital Improvements Program to include funding for any improvements required to provide for solid waste disposal after expiration of the current solid waste haul out contract (see Solid Waste Objective 801.3 and related policies).

Policy 1401.4.14

By January 4, 1998, Monroe County shall complete a Stormwater Management Master Plan which shall be implemented beginning in Fiscal Year 1999. Prior to implementation of the Master Plan, the County shall adopt a Stormwater Utility or alternative revenue source in order to fund the drainage facility improvements required by the Stormwater Management Master Plan. Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modification of agreement date premises.

Policy 1401.4.15

Monroe County shall prepare a Sanitary Wastewater Master Plan which shall be completed by January 4, 1998 and implemented beginning in Fiscal Year 1999. The County shall coordinate with the FCAA, the Florida Departments of Environmental Regulation (DER) and Health and Rehabilitative Services (HRS), and the U.S. Environmental Protection Agency (EPA), at a minimum, concerning joint preparation and funding of the Master Plan. Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modifications of agreement date premises.

Policy 1401.4.16

By January 4, 1998, Monroe County shall revise the Comprehensive Plan Five-Year Schedule of Capital Improvements and the County Capital Improvements Program to include funding for the improvements identified in the Sanitary Wastewater/Stormwater Management Master Plan.

Policy 1401.4.17

By January 4, 1998, Monroe County shall explore the feasibility and benefits of expanding the Card Sound Road and Toll District to include CR-905 on North Key Largo and US 1 between the Dade County line and CR-905.

Objective 1401.5

Monroe County shall provide public facilities sufficient to maintain adopted level of service standards that are within the ability of the County to fund, or within the County's authority to require others to provide. Evaluation of funding alternatives for improvements identified in other plan elements will include consideration of improvements required by existing versus future development in order to ensure a fair-share allocation of costs. [9J-5.016(3)(b)5]

Policy 1401.5.1

The estimated capital expenditures for all needed public facilities shall not exceed conservative estimates of revenues from sources that are available to the County pursuant to current law, and which have not been rejected by referendum, if referendum is required to enact a source of revenue. [9J-5.016(3)(b)5]

Policy 1401.5.2

Monroe County shall not provide a public facility, nor shall it accept the provision of a public facility by others, if it is unable to pay for the subsequent annual operating and maintenance costs of the facility. [9J-5.016(3)(b)5]

Policy 1401.5.3

Monroe County's Capital Improvements Program shall be monitored in conjunction with the Land Development Review process to ensure that the County is not required to construct improvements beyond its financial capacity. [9J-5.016(3)(b)5]

